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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,640	08/03/2001	Steve Mead	12440-02/ejg	6057
33797	7590	10/30/2003	EXAMINER	
MILLER THOMPSON, LLP 20 QUEEN STREET WEST, SUITE 2500 TORONTO, ON M5H 3S1 CANADA			HORTON, YVONNE MICHELE	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/920,640

Applicant(s)
STEVE MEAD

Examiner
YVONNE M. HORTON

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3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 22, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-21 is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 7 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6, 8, and 9 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/03 has been entered.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,561,232 to GLADDEN, Jr. et al. Regarding claim 1 GLADDEN, Jr. et al. discloses the use of a floor panel (1) including a base (2) consisting of two spaced metal, column 5, line 15, pieces (3,7) joined together to present an outwardly extending flange (colored orange), see the marked attachment, providing a planar load bearing surface (colored blue), see the marked attachment; an inner floor panel (19) adhesively (18) secured to the bearing surface (colored blue) and one of the metal pieces (3); and an outer covering (15) adhesively (18) secured to and coextensive with the flange (colored orange) so as to present a border (B), see the marked attachment, wherein due

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to the fact that the outer covering can be a vinyl flooring member which is a high wear film, column 4, lines 59-64, the border (B) also inherently includes a high wear film. Regarding claim 4, the edge of the border (B) and the inner covering (19) both lie in the same plane (P) (colored green), see also the marked attachment.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,561,232 to GLADDEN, Jr. et al. discloses the use of a floor panel (1) including a base (2) consisting of two spaced metal, column 5, line 15, pieces (3,7) joined together to present an outwardly extending flange (colored orange), see the marked attachment, providing a planar load bearing surface (colored blue), see the marked attachment; an inner floor panel (19) adhesively (18) secured to the bearing surface (colored blue) and one of the metal pieces (3); and an outer covering (15) adhesively (18) secured to and coextensive with the flange (colored orange) so as to present a border (B), see the marked attachment, wherein due to the fact that the outer covering can be a vinyl flooring member which is a high wear film, column 4, lines 59-64, the border (B) also inherently includes a high wear film. GLADDEN, Jr. et al. discloses the basic claimed flooring except for the inner and outer coverings being welded. Welding is a method step. Claim 7 is directed to an apparatus claim, the flooring. The method of forming the device is not germane to the issue of patentability of the device itself. Therefore, the step of welding has not been given patentable weight. Regarding claim 11, the flooring members of GLADDEN, Jr. et al. are arranged in edged to edge contact to present an elevated floor, see Figure 1 and 2.

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Allowable Subject Matter

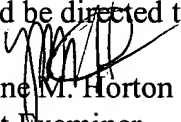
5. Claims 2,3,5,6,8,9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 10-21 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 1,4 and 7 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.


Yvonne M. Horton
Patent Examiner
Art Unit 3635
October 28, 2003

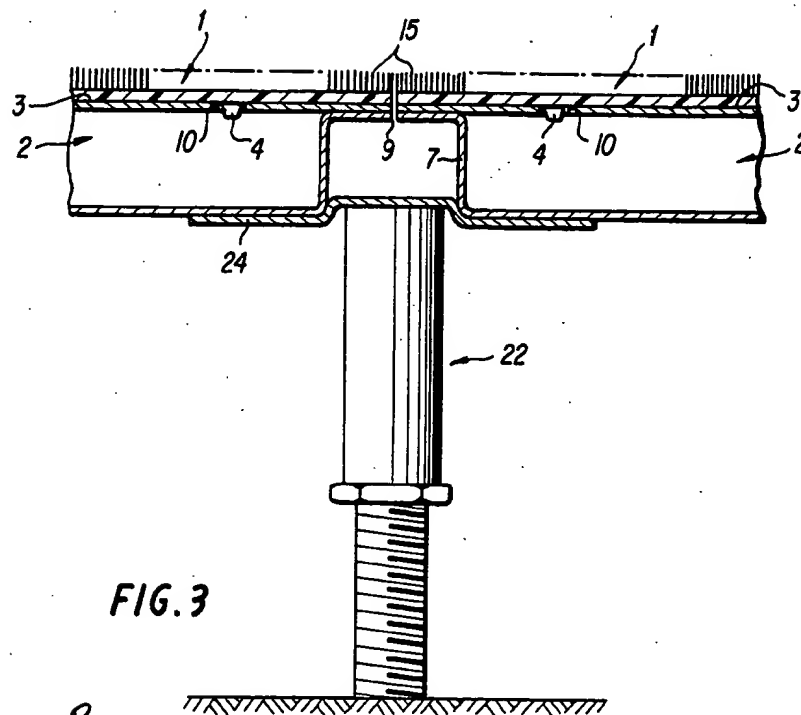


FIG. 3

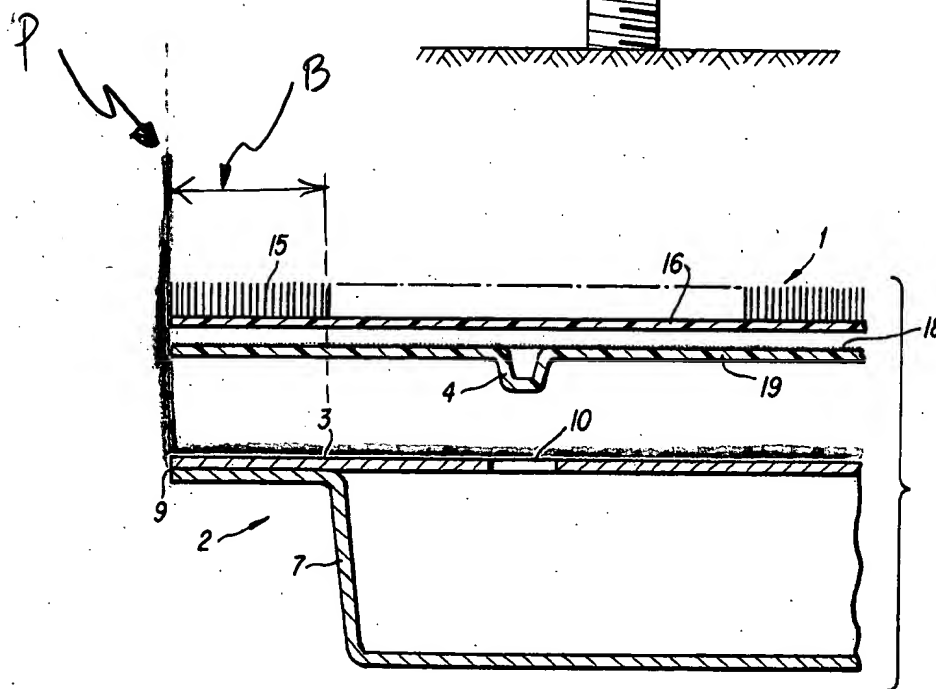


FIG. 4

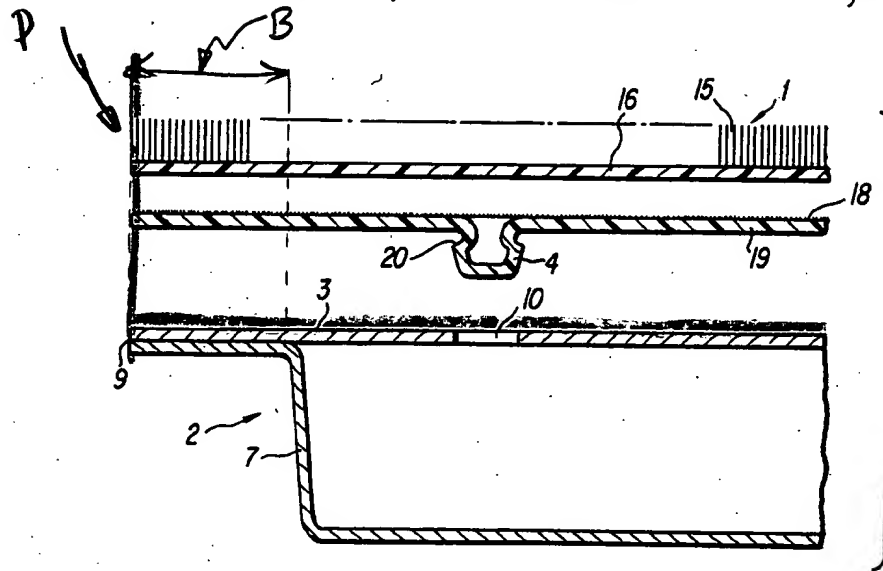


FIG. 5

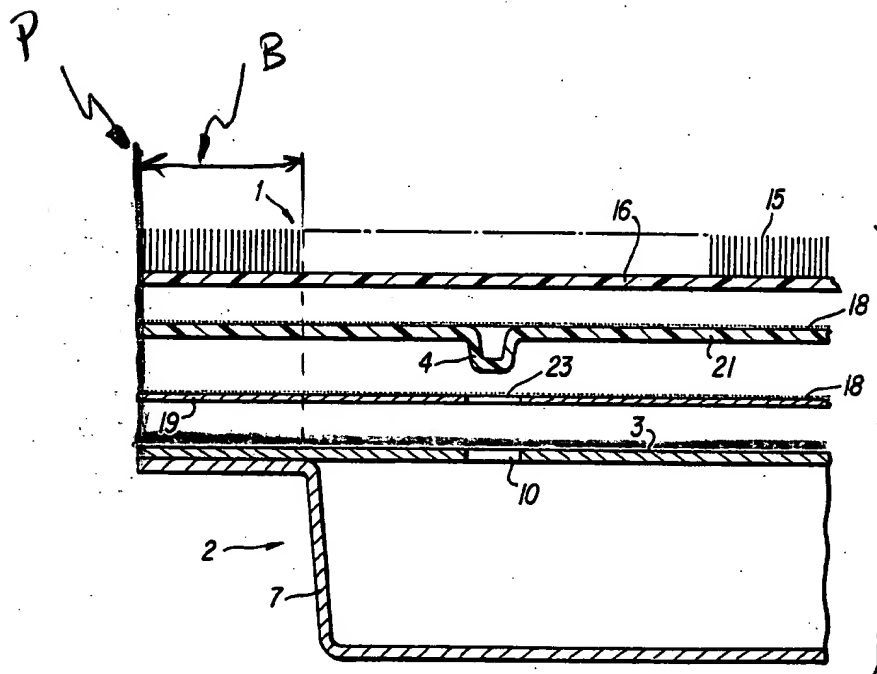


FIG. 6